

Ninety-First Regular Session

WEDNESDAY, December 22, 1993

The chief clerk makes the following entries under the above date.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 607

Relating to grants to cities to reduce violent crime and making an appropriation.

By Senators Rosenzweig, Petak, Weeden, Buettner, Drzewiecki and Farrow; cosponsored by Representatives Krusick, Duff, Turner, Green, Ryba, Wirch, Dobyns, Beal, Lorge and Robson.

To committee on Business, Economic Development and Urban Affairs.

Senate Bill 608

An act relating to revising various provisions of the statutes for the purpose of deleting, replacing or otherwise modifying language that discriminates on the basis of sex (Revisor's Correction Bill).

By Law Revision Committee.

To committee on State Government Operations and Corrections.

Senate Bill 609

Relating to the availability of medical assistance to children and pregnant women.

By Senator Helbach; cosponsored by Representative R. Young.

To committee on Health, Human Services and Aging.

Senate Bill 610

Relating to the unit of government to which payments of property taxes on improvements on leased land that are assessed as personal property are paid.

By Senators Huelsman, Darling, Farrow, Drzewiecki, Lorman and Buettner; cosponsored by Representatives Schneiders, Jensen, Ryba, Lorge, Silbaugh, Huber, Green, Goetsch, Ladwig, Duff, Plache, Beal, Lehman and Vrakas.

To committee on State Government Operations and Corrections.

Senate Bill 611

Relating to fees charged by a register of deeds for copies of records or papers.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on State Government Operations and Corrections.

Senate Bill 612

Relating to popular election of vocational, technical and adult education district boards, granting rule-making authority and providing an exemption from and extending the time limit for emergency rule procedures.

By Senator Adelman; cosponsored by Representative Carpenter.

To committee on Education.

Senate Bill 613

Relating to the hours that children may work.

By Senators Schultz, Wineke, Drzewiecki, Breske, Zien and Farrow; cosponsored by Representatives Albers, Plombon, Jensen, Lehman, Hahn, Lorge, Owens, Musser, Dobyns, Brandemuehl, Bolle, Seratti, Kaufert, Vrakas, Vander Loop and Harsdorf.

To committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

Senate Bill 614

Relating to defining the terms used to determine if a person is driving or operating a motor vehicle while under the influence of an intoxicant and providing a penalty.

By Senators Lasee, Breske, Buettner, Drzewiecki and Rosenzweig; cosponsored by Representatives Hasenohrl, Goetsch, Schneiders, Stower, Green, Freese, Musser, Dobyns, Silbaugh, Bolle, Seratti, Harsdorf and Ott.

To committee on Transportation, Agriculture, Local and Rural Affairs.

Senate Bill 615

Relating to research concerning fertilizer use and water quality.

By Senators Clausing, Burke and Risser; cosponsored by Representatives Roberts, Robson, Bock and Riley.

To committee on Transportation, Agriculture, Local and Rural Affairs.

Senate Bill 616

Relating to the alcohol concentration of vehicle operators.

By Senator Adelman; cosponsored by Representatives Carpenter, Notestein, Black, Bock, Turner, Morris-Tatum and La Fave.

To committee on Judiciary and Insurance.

Senate Bill 617

Relating to restitution by a child for actual damage resulting from the child's act.

By Senators Huelsman, Drzewiecki, Darling, Rosenzweig, Weeden, Buettner, Zien and Lorman; cosponsored by Representatives Vrakas, Duff, Goetsch, Owens, Ziegelbauer, Ainsworth, Harsdorf, Musser, La Fave, Ladwig, Ott, Nass, Silbaugh, Plache, Huber and Beal.

To committee on Judiciary and Insurance.

Senate Bill 618

Relating to medical service corporations.

By Senators Leean, Rosenzweig, Rude, Huelsman, Petak, Schultz, Jauch, Breske, Buettner, Lorman, Potter, Andrea, Moen, Plewa, Clausing, Wineke, Chvala, Risser, Burke and Darling; cosponsored by Representatives Kunicki, Holperin, Notestein, Gruszynski, Brancel, Plache, Hinkfuss, Travis, Schneider, Robson, Carpenter, Huber, Musser, Cullen, Plombon, Baldus, Roberts, Freese, Johnsrud,

Brandemuehl, Lehman, Green, Ryba, Lorge, Ladwig, Hahn, Underheim, Ainsworth, Vrakas, Ourada, Foti, Beal, Goetsch, Ott, Urban, Albers, Prosser, Stower, Jensen, Schneiders and Bolle.

To committee on Business, Economic Development and Urban Affairs.

COMMITTEE REPORTS

The committee on Health, Human Services and Aging reports and recommends:

Senate Bill 619

Relating to practice requirements for applicants for a professional counseling certificate.

Introduction:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Carol A. Buettner
Chair

Read first time and referred to committee on Health, Human Services and Aging.

The committee on Judiciary and Insurance reports and recommends:

Senate Joint Resolution 9

Relating to eligibility to office of a person convicted of a misdemeanor involving a violation of public trust or of a felony (first consideration).

Adoption:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Senate Joint Resolution 19

Relating to abolishing the constitutional grant of legislative immunity from arrest and civil process (first consideration).

Adoption:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser and Chvala;

Noes, 1 -- Senator Adelman.

Senate Bill 290

Relating to creating a small claims mediation pilot project and making an appropriation.

Introduction and adoption of Senate amendment 1:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Adelman and Chvala;

Noes, 1 -- Senator Risser.

Passage as amended:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Adelman and Chvala;

Noes, 1 -- Senator Risser.

Senate Bill 341

Relating to authorizing participation in a court-approved pupil assistance program as a disposition for children found delinquent or in need of protection or

services, and the parents of those children, and for children found to have violated a civil law or municipal ordinance relating to alcohol or other drug use.

Passage:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Senate Bill 405

Relating to sexual assault of a child and providing a penalty.

Passage:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Senate Bill 355

Relating to termination of trusts, calculation of probate filing fees, apportionment of trustees' fees, retention of business by trustees and marital property interest in individual retirement accounts.

Introduction and adoption of Senate amendment 1:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser and Chvala;

Noes, 1 -- Senator Adelman.

Passage as amended:

Ayes, 4 -- Senators Huelsman, Petak, Darling and Drzewiecki;

Noes, 3 -- Senators Risser, Adelman and Chvala.

Senate Bill 372

Relating to harassment of police animals and providing penalties.

Passage:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Senate Bill 408

Relating to disclosure of certain information regarding a child who has been adjudicated delinquent for committing homicide, armed robbery or sexual assault.

Passage:

Ayes, 5 -- Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 -- Senators Risser and Adelman.

Assembly Bill 22

Relating to authorizing the use of computer-generated forms in probate proceedings.

Concurrence:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Assembly Bill 334

Relating to permitting, in certain circumstances, peace officers, correctional officers or state patrol officers to request a court order requiring testing for the virus that causes acquired immunodeficiency syndrome.

Concurrence:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Adelman and Chvala;
Noes, 1 -- Senator Risser.

Assembly Bill 473

Relating to retaining the bond in a misdemeanor case when the speedy trial requirement is not met.

Concurrence:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;
Noes, 0 -- None.

Assembly Bill 557

Relating to termination of certain trusts.

Concurrence:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;
Noes, 0 -- None.

Assembly Bill 646

Relating to subrogation authority of the department of justice regarding awards for victims of crimes.

Concurrence:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;
Noes, 0 -- None.

Joanne B. Huelsman
Chair

The committee on Business, Economic Development and Urban Affairs reports and recommends:

HANNAH, FREDERICK M., Sr., of Mequon, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;
Noes, 0 -- None.

Assembly Bill 235

Relating to increasing the membership of certain housing authorities.

Concurrence:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;
Noes, 0 -- None.

Assembly Bill 360

Relating to corporate filing extensions.

Concurrence:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;
Noes, 0 -- None.

George Petak
Chair

The joint committee on Finance reports and recommends:

Senate Bill 514

AN ACT to direct expenditure of \$4,777.47 from moneys appropriated to the department of corrections

for payment of a claim against the state made by Firststar Bank of Portage.

Introduction and adoption of Senate amendment 1:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Passage as amended:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Senate Bill 515

Relating to appropriation of \$181,214.52 from the transportation fund for payment of a claim made by Racine county.

Passage:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Senate Bill 516

AN ACT to direct expenditure of \$38,092.69 from moneys appropriated to the department of transportation for payment of a claim against the state made by James Peterson Sons, Inc.

Passage:

Ayes, 15 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 1 -- Representative Krug.

Senate Bill 517

AN ACT to direct expenditure of \$4,510.96 from moneys appropriated to the department of transportation for payment of a claim against the state made by Pagel Construction.

Passage:

Ayes, 15 -- Senators Lecan, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 1 -- Representative Krug.

Senate Bill 518

AN ACT to direct expenditure of \$150,236.43 from moneys appropriated to the department of transportation for payment of a claim against the state made by Hoffman Construction Company.

Passage:

Ayes, 15 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 1 -- Representative Krug.

Senate Bill 519

An act to direct expenditure of \$61,895.21 from moneys appropriated to the department of transportation for payment of a claim against the state made by Mashuda Contractors, Inc.

Passage:

Ayes, 15 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 1 -- Representative Krug.

Senate Bill 520

An act to direct expenditure of \$50,314.03 from moneys appropriated to the department of transportation for payment of a claim against the state made by Kaiser Construction, Inc.

Passage:

Ayes, 15 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 1 -- Representative Krug.

Joseph Leean
Co-chair

Barbara J. Linton
Co-chair

PETITIONS AND COMMUNICATIONS

Milwaukee Area
Technical College

December 21, 1993

To the Honorable the Legislature:

Attached is a copy of the information provided to all students, in accordance with Wis. Stats. 38.12.

- a. All new students are required to attend a New Student Orientation. During these orientations, detailed information is shared regarding Sexual Assault and Sexual Harassment, also these students receive the attached handout.
- b. All continuing students receive in the mail the attached flyer.

If you have any further questions or concerns, please feel free to contact Mr. Archie Graham, Director of Student Affairs at (414) 278-6870.

Sincerely,
Archie L. Graham
Director of Student Affairs

Referred to Committee on Education

Medical College of Wisconsin

December 15, 1993

To the Honorable the Legislature:

Enclosed please find the annual report of the Medical College of Wisconsin on our family medicine programs.

This report is in accordance with 1991 Wisconsin Act 39, and as required provides information about the financial status of our family medicine residency sites, the number of family practice residents choosing to practice in medically underserved areas of the state upon graduation, and the number of graduates entering family practice as a career. We have also provided information about other aspects of the program which we hope you will find of interest.

We appreciate this opportunity to keep the Governor and the Legislature informed of our activities as we work to increase the supply of family physicians for Wisconsin.

Kindest Regards,
T. Michael Bolger, JD
President and CEO

John E. Midtling, M.D., M.S.
Professor and Chairman
Dept. of Family and
Community Medicine

State of Wisconsin
Department of Administration

December 14, 1993

To the Honorable the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of November, 1993.

On November 4, 1993 the Variable Retirement Fund balance was \$-2.8 million. This shortfall continued through November 30, 1993 when the balance was \$-1.9 million. The shortfall is due to a temporary delay in cash transfers to the fund.

The Variable Retirement Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

James R. Klauser
Secretary

Referred to the Joint Survey committee on
Retirement Systems.

State of Wisconsin
Legislative Audit Bureau

December 20, 1993

To the Honorable the Legislature:

We have completed an audit of the Medical College of Wisconsin, Inc., for the 1991-93 biennium as required by s. 39.15, Wis. Stats. State funds paid to the Medical College of Wisconsin, Inc. for tuition aids totaled \$7,704,479 for the biennium.

Our audit included tests to ensure that the Medical College has complied with statutory requirements set forth in s. 39.15 and 39.155, Wis. Stats. We reviewed the residency and enrollment status of students claimed for tuition aids, whether the Medical College gave first preference in admission to Wisconsin residents, and whether minority access was promoted.

The audit report includes no major findings, conclusions, or recommendations, and in our judgment, is not likely to be of interest to most members of the Legislature.

Copies of the audit report have been distributed to members of the joint Audit Committee and those required by law to receive copies. If you are interested in receiving a copy of this report, please contact our office and request report 93-30.

Sincerely,
Dale Cattanach
State Auditor

State of Wisconsin
Legislative Audit Bureau

December 20, 1993

To the Honorable the Legislature:

We have completed an audit of the dental education contract between the state and the Marquette University School of Dentistry for the 1991-93 biennium as required by s. 39.15, Wis. Stats. State funds paid to the School of Dentistry for tuition aids totaled \$1,880,750 for the biennium.

Our audit included tests to ensure that the Marquette University School of Dentistry has complied with statutory requirements set forth in s. 39.46, Wis. Stats. This included reviewing the residency certification and enrollment status of students claimed for tuition aids, the admissions preference given to Wisconsin residents, and the promotion of minority student access. We found that the School of Dentistry was in compliance with s. 39.46, Wis. Stats., and the state funds were expended only for the undergraduate dental school program.

The audit report includes no major findings, conclusions, or recommendations, and in our judgment, is not likely to be of interest to most members of the Legislature.

Copies of the audit report have been distributed to members of the joint Audit Committee and those required by law to receive copies. If you are interested in receiving a copy of this report, please contact our office and request report 93-29.

Sincerely,
Dale Cattanach
State Auditor

State of Wisconsin
Legislative Audit Bureau

December 15, 1993

To the Honorable the Legislature:

We have completed an evaluation of Wisconsin's adoption search program, as directed by the Joint Legislative Audit Committee. We evaluated the Department of Health and Social Services' management of the program to determine the causes of, and solutions to, the program's extensive backlog of applications for information.

While most adoption records in Wisconsin are confidential, the statutes allow adult adoptees and, in some cases, adoptive parents access to certain information, such as medical and genetic information; non-identifying social history; and, with the permission of birth parents, the names and locations of birth parents. However, the Department currently informs applicants that they must wait approximately two years for non-emergency information because of an extensive backlog of applications. The Department closed approximately 222 cases last year and estimates its backlog is approximately 400 cases.

Our audit indicates the backlog and slowness in processing applications are due largely to inefficient program procedures and a lack of management direction to program staff. Our report includes detailed recommendations for the Department to establish clear policies governing the program, streamline currently inefficient procedures, and eliminate inefficient record-keeping systems. Department staff have begun implementing these management recommendations.

To assess the potential for improving service or lowering cost through privatizing search services, we surveyed other states and discussed privatization with Wisconsin adoption agencies. Our report includes a number of options to restructure the range of services provided and the methods of delivery.

We appreciate the courtesy and cooperation extended to us by department staff and representatives of the private adoption agencies we contacted. The Department's response is the appendix.

Sincerely,

Dale Cattanach
State Auditor

State of Wisconsin
Board of Vocational, Technical,
and Adult Education

December 17, 1993

To the Honorable the Legislature:

Pursuant to 1989 Wisconsin Act 186, s.36.12 (3) (a) (b), Wisconsin Statutes, the Board is required to submit a report to the chief clerk of each house of the legislature on the number of complaints received from students alleging discrimination at each technical college and the disposition of each such complaint. Also to be reported are the numbers of requests for review received by the Board and the disposition of each such request.

The enclosed report shows the total number of complaints received by each institution broken down by numbers and types of alleged discrimination followed by the disposition of each complaint.

A total of 105 complaints were received during the academic year (1992-93). Of that number 85 have been resolved or were dropped by the student filing the complaint; in six others there was no discrimination found; in 1 case a probable cause finding has been issued; and 13 are pending.

The Wisconsin Board of Vocational, Technical and Adult Education has not received any requests for review.

Sincerely,
Dwight A. York
Director

State of Wisconsin
Department of Public Instruction

December 17, 1993

To the Honorable the Legislature:

1991 Wisconsin Act 39 included the following provision:

SECTION 9145. Nonstatutory provisions; public instruction.

(7f) COMPULSORY SCHOOL ATTENDANCE; STUDY. The state superintendent of public instruction and the state director of vocational, technical and adult education shall jointly analyze and evaluate the educational and fiscal effects of the changes made to the compulsory school attendance law under section 118.15 of the statutes of this act, and shall report their findings and recommendations to the chief clerk of each house of the legislature, for distribution in the manner provided under section 13.172 (2) of the statutes by January 1, 1994.

This is to inform you that this study is in progress and that we expect to complete it by March 31, 1994. We regret that we were unable to meet the statutory deadline. If you have questions about our progress, please contact

William Erpenbach, Department of Public Instruction (267-1072), or Edward Chin, State Vocational, Technical and Adult Education Board (266-7983).

Sincerely,
John T. Benson, State Superintendent
Department of Public Instruction

Dwight York, Director
State VTAE Board

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

December 16, 1993

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
411	121	December 16, 1993
487	123	December 16, 1993
443	124	December 16, 1993

Respectfully,
TOMMY G. THOMPSON
Governor

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 93-79

Relating to design and construction of multifamily housing for accessibility for people with disabilities.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, December 21, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, December 22, 1993.

Senate Clearinghouse Rule 93-127

Relating to certification that the operator or manager of a restaurant has a basic knowledge of food protection practices.

Submitted by Department of Health and Social Services.

Report received from agency, December 15, 1993.

Referred to committee on Health, Human Services and Aging, December 22, 1993.

Senate Clearinghouse Rule 93-146

Relating to capital expenditure review program requirements.

Submitted by Cost Containment Commission.

Report received from agency, December 20, 1993.

Referred to committee on Health, Human Services and Aging, December 22, 1993.

Senate Clearinghouse Rule 93-151

Relating to the regulation of real estate appraisers.

Submitted by Department of Regulation and Licensing.

Report received from agency, December 21, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, December 22, 1993.

Senate Clearinghouse Rule 93-181

Relating to continuing education.

Submitted by Department of Regulation and Licensing.

Report received from agency, December 21, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, December 22, 1993.

Senate Clearinghouse Rule 93-182

Relating to the use of therapeutic pharmaceutical agents and diagnostic pharmaceutical agents by licensed optometrists.

Submitted by Department of Regulation and Licensing.

Report received from agency, December 20, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, December 22, 1993.

Senate Clearinghouse Rule 93-189

Relating to tramways, lifts and tows.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, December 20, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, December 22, 1993.

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Senate Clearinghouse Rule 92-111

Relating to utility facilities relocation.

No action taken.

Senate Clearinghouse Rule 93-104

Relating to fair packaging and labeling of consumer commodities, variations from net quantities declared on package labels and nutrition labeling of food.

No action taken.

Alan J. Lasee

Chair

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 530

1. Page 6, line 27: before "(p)" insert "(3)".
2. Page 9, line 1: before "(a)" insert "(1)".
3. Page 15, line 5: substitute "LIMITATIONS" for "LIMITS".
4. Page 20, line 12: after "(9)" insert "LIMITATION ON GRANTS".